

# HOUSE . . . . . No. 4488

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*The Commonwealth of Massachusetts*

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## HOUSE OF REPRESENTATIVES

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MESSAGE

FROM

HIS EXCELLENCY

THE GOVERNOR

SUBMITTING REORGANIZATION

PLAN NUMBER 1 OF 2008,

RELATIVE TO REORGANIZING

CERTAIN EDUCATION AGENCIES.

(under Article LXXXVII  
of the Amendments  
to the Constitution)

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January 10, 2008

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## The Commonwealth of Massachusetts

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DEVAL L. PATRICK  
GOVERNOR

TIMOTHY P. MURRAY  
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT  
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January 10, 2008.

To the Honorable Senate and House of Representatives:

As provided in Article LXXXVII of the Amendments to the Constitution, I submit for your consideration, "An Act Reorganizing Certain Education Agencies."

This Article 87 plan, which reflects months of collaborative work with legislative leaders and others, creates an executive office of education, headed by a cabinet secretary, to improve policy coordination across all educational sectors:-- early education and care, K-12, and higher education. The objective is to facilitate increased cooperation and cohesion in the creation of a comprehensive educational system that guides students seamlessly from one step to the next through every level of their education and into the workforce.

The plan provides for the executive office to contain three departments:--

- (1) the existing department of early education and care;
- (2) the existing department of education (renamed the department of elementary and secondary education); and
- (3) a new department of higher education, which will house personnel now serving as staff to the board of higher education.

The plan maintains the existing education boards, corresponding to each of the above departments, and expands the size of each board by two members, to increase the breadth of representation on the boards. Board terms will be staggered, so that a fixed number of appointments will come up each year.

The plan provides for the secretary to analyze the goals, needs, and requirements of public education in the Commonwealth; review and approve mission statements and 5-year master plans encompassing each sector of the public education system; approve the appointments of the commissioners of early education and care, elementary and secondary education, and higher education; approve budget and capital

outlay requests at the departmental and institutional levels; act as the Governor's cabinet-level advisor on educational issues; and serve as a voting member on each education sector's board, including the University of Massachusetts board;

The plan leaves unchanged the other existing powers of the boards.

Over the past few months, we have brought together educators, legislators, business leaders, and community advocates, in an effort called the Commonwealth Readiness Project, to develop a strategic plan for the future of education in Massachusetts. It is critically important to that effort to build a governance structure that will foster a coordinated approach to the creation and maintenance of a world class educational system.

This Article 87 plan builds such a structure and, in doing so, sets the stage to promote greater educational achievement throughout the Commonwealth.

I urge your prompt and favorable consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a large, stylized flourish at the end.

DEVAL L. PATRICK,  
*Governor.*

**The Commonwealth of Massachusetts**

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In the Year Two Thousand and Eight.

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AN ACT REORGANIZING CERTAIN EDUCATION AGENCIES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 17A of Chapter 6 of the General Laws, as  
2     appearing in Section 1 of Chapter 19 of the acts of 2007, is hereby  
3     amended by inserting after the word “finance,” in the second sen-  
4     tence, the following words:— the secretary of education,.

1     SECTION 2. Section 2 of Chapter 6A of the General Laws, as  
2     appearing in Section 3 of Chapter 19 of the acts of 2007, is hereby  
3     amended by inserting after the word “finance,” in the first sen-  
4     tence, the following word:— education,.

1     SECTION 3. Chapter 6A of the General Laws, as appearing in  
2     the 2006 Official Edition, is hereby amended by inserting after  
3     Section 14 [Repealed] the following section:—

4     Section 14A. Executive office of education.

5     (a) There shall be an executive office of education, which shall  
6     include the departments of early education and care, elementary  
7     and secondary education, and higher education.

8     (b) The executive office of education shall be under the super-  
9     vision and control of a secretary of education, in this section  
10    called the secretary. The secretary shall be appointed by and serve  
11    at the pleasure of the governor, shall receive such salary as the  
12    governor determines, and shall devote full time to the duties of  
13    her office.

14    (c) The secretary shall have the following duties and powers:—

15    (1) analyze the present and future goals, needs, and require-  
16    ments of public education in the Commonwealth;

17    (2) pursuant to Chapters 15A, 15D, 69, and 75, review and  
18    approve mission statements and 5-year master plans encom-

19 passing each sector of the public education system, including  
20 early education and care, elementary and secondary education,  
21 and public higher education. These mission statements and master  
22 plans shall take into account the secretary's analysis of goals,  
23 needs, and requirements and shall be designed to achieve a well  
24 coordinated system of education from early childhood through the  
25 university level and beyond;

26 (3) approve the appointments of the commissioners of early  
27 education and care, elementary and secondary education, and  
28 higher education;

29 (4) make recommendations to the secretary of administration  
30 and finance and the governor concerning the funding of education  
31 in the Commonwealth and assist in preparing budget proposals to  
32 be put before the legislature on behalf of the boards and depart-  
33 ments of early education and care, elementary and secondary edu-  
34 cation, and higher education;

35 (5) serve as the governor's advisor on educational issues and  
36 represent the interests of education in the governor's cabinet; and

37 (6) serve as an ex officio voting member of the boards of early  
38 education and care, elementary and secondary education, and  
39 higher education and the board of trustees of the University of  
40 Massachusetts, and facilitate coordination and communication  
41 between and among those boards.

42 (d) The secretary may, subject to appropriation, appoint such  
43 other employees as she deems necessary to carry out her duties  
44 and responsibilities, shall be provided with adequate offices, and  
45 may expend sums for other necessary expenses of the executive  
46 office.

47 (e) Nothing in this section shall be construed as conferring any  
48 powers upon the secretary with respect to the boards or depart-  
49 ments of early education and care, elementary and secondary edu-  
50 cation, and higher education except as set forth in this section or  
51 as otherwise expressly provided by law.

1 SECTION 4. The title of Chapter 15 of the General Laws, as  
2 appearing in the 2006 Official Edition, is hereby amended by  
3 inserting after the word "OF" the following words:—

4 ELEMENTARY AND SECONDARY.

1 SECTION 5. Chapter 15, as so appearing, is hereby amended  
2 by striking out Section 1 and inserting in place thereof the fol-  
3 lowing section:—

4 Section 1. There shall be within the executive office of educa-  
5 tion a department of elementary and secondary education, in this  
6 chapter called the department, which shall be under the supervi-  
7 sion and management of the commissioner of elementary and sec-  
8 ondary education, in this chapter called the commissioner.

1 SECTION 6. Section 1E of Chapter 15, as so appearing, is  
2 hereby amended by striking out the first two sentences and  
3 inserting in place thereof the following sentences:—

4 There shall be in the department a board of elementary and sec-  
5 ondary education, in this chapter called the board, which shall  
6 consist of the chairman of the student advisory council established  
7 under this section, the secretary of education, in this chapter  
8 called the secretary, or her designee, and 9 members appointed by  
9 the governor. The 9 members appointed by the governor shall  
10 consist of 1 representative of a labor organization selected by the  
11 governor from a list of 3 nominees provided by the Massachusetts  
12 State Labor Council, AFL-CIO; 1 representative of business or  
13 industry selected by the governor with a demonstrated commit-  
14 ment to education; 1 representative of parents of school children  
15 selected by the governor from a list of 3 nominees provided by the  
16 Massachusetts Parent Teachers Association; and 6 additional  
17 members.

1 SECTION 7. Section 1E of Chapter 15, as so appearing, is  
2 hereby amended by striking out the fourth and fifth sentences and  
3 inserting in place thereof the following sentences:—

4 Not more than two members of said board shall be employed  
5 on a full-time basis by any agency of the Commonwealth. Of the  
6 9 members appointed by the governor, 1 shall be appointed for a  
7 term that is coterminous with that of the governor. Each of the  
8 remaining 8 members shall be appointed for a term of 5 years.  
9 Vacancies shall be filled consistent with the requirements of Sec-  
10 tion 10 of Chapter 30.

1     SECTION 8. Section 1E of Chapter 15, as so appearing, is  
2 hereby amended by inserting after the first sentence in the third  
3 paragraph the following sentence:—

4     Members of the board who are employed on a full-time basis  
5 by the Commonwealth shall be ineligible to serve as chairperson.

1     SECTION 9. Chapter 15, as so appearing, is hereby amended  
2 by striking out Section 1F and inserting in place thereof the fol-  
3 lowing section:—

4     Section 1F. Commissioner of elementary and secondary educa-  
5 tion; appointment; duties; salary.

6     Whenever a vacancy occurs in the position of commissioner,  
7 the board shall by a two-thirds vote of all its members submit to  
8 the secretary, for the secretary's approval, a recommended candi-  
9 date to fill that vacancy. The secretary may appoint the recom-  
10 mended candidate as commissioner. If the secretary declines to  
11 appoint the candidate, the board shall submit a new candidate for  
12 consideration. The secretary may appoint the commissioner only  
13 from candidates submitted to the secretary by the board.

14     The board may in its discretion by majority vote of all its mem-  
15 bers remove the commissioner. The commissioner shall be the  
16 secretary to the board, its chief executive officer and the chief  
17 state school officer for elementary and secondary education. The  
18 commissioner shall receive a salary to be determined by the  
19 board.

20     The board may delegate its authority or any portion thereof to  
21 the commissioner whenever in its judgment such delegation may  
22 be necessary or desirable. The commissioner shall exercise such  
23 delegated powers and duties with the full authority of the board.

1     SECTION 10. Section 1 of Chapter 15A of the General Laws,  
2 as appearing in the 2006 Official Edition, is hereby amended by  
3 inserting after the third sentence in the fourth paragraph, at line  
4 32, the following sentence:—

5     All mission statements shall be subject to review and approval  
6 by the secretary of education, in this chapter called the secretary.

1     SECTION 11. Section 2 of Chapter 15A is hereby repealed.

1 SECTION 12. Section 3A of Chapter 15A, as so appearing, is  
2 hereby amended by inserting after the words “in consultation  
3 with”, in line 25, the following words:— the secretary and.

1 SECTION 13. Subsection (a) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by striking out the first sentence  
3 and inserting in place thereof the following sentence:—

4 The board of higher education, hereinafter referred to in this  
5 chapter as the council or the board, shall be composed of 13  
6 voting members, consisting of the secretary of education, ex  
7 officio, or her designee, 9 members appointed by the governor  
8 reflecting regional geographic representation, and 3 members  
9 chosen to represent public institutions of higher education.

1 SECTION 14. Subsection (a) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by striking out, in line 20, the  
3 words “selected by the chair of” and inserting in place thereof the  
4 following words:— as voted by.

1 SECTION 15. Subsection (a) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by inserting after the word  
3 “Art”, in line 26, the following words:— and Design.

1 SECTION 16. Subsection (a) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by striking out the last sentence.

1 SECTION 17. Subsection (b) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by striking out, in line 30, the  
3 word “Members” and inserting in place thereof the following  
4 words:—

5 Three of the board members appointed by the governor shall  
6 be appointed for terms that are coterminous with that of the gov-  
7 ernor. The secretary shall serve on the board while she holds the  
8 position of secretary. The remaining members.

1 SECTION 18. Subsection (b) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by inserting after the word  
3 “consecutive”, in line 46, the following word:— full.



1 SECTION 19. Subsection (b) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by inserting after the sixth sen-  
3 tence, in line 47, the following sentence:—

4 Service for a term of less than 3 years, resulting from an initial  
5 appointment or an appointment for the remainder of an unexpired  
6 term, shall not be counted as a full term.

1 SECTION 20. Subsection (b) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by inserting after the eighth sen-  
3 tence, in line 53, the following sentence:—

4 Vacancies shall be filled consistent with the requirements of  
5 Section 10 of Chapter 30.

1 SECTION 21. Subsection (d) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by inserting after the second sen-  
3 tence, in line 63, the following sentence:—

4 Members of the board who are employed on a full-time basis  
5 by the Commonwealth shall be ineligible to serve as chairperson.

1 SECTION 22. Subsection (d) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by striking out, in the third sen-  
3 tence, the words “5 regularly scheduled meetings during a cal-  
4 endar year” and inserting in place thereof the following words:—  
5 4 regularly scheduled meetings during an academic year.

1 SECTION 23. Subsection (g) of Section 4 of Chapter 15A, as  
2 so appearing, is hereby amended by striking out, in line 79, the  
3 word “Six” and inserting in place thereof the following word:—

4 Seven; and by striking out, in line 80, the number “6” and  
5 inserting in place thereof the following number:— 7.

1 SECTION 24. Chapter 15A is further amended by striking out  
2 Section 6 and inserting in place thereof the following section:—

3 Section. 6. Department of higher education; Commissioner;  
4 other employees; appointments; salaries; powers and duties.

5 There shall be within the executive office of education a  
6 department of higher education, in this chapter called the depart-  
7 ment.

8 The council shall, whenever a vacancy may occur, by a two-  
9 thirds vote of all its voting members, submit to the secretary, for  
10 the secretary's approval, a recommended candidate to serve as the  
11 commissioner of higher education, in this chapter called the com-  
12 missioner. The secretary may appoint the recommended candidate  
13 as commissioner. If the secretary declines to appoint the candi-  
14 date, the council shall submit a new candidate for consideration.  
15 The secretary may appoint the commissioner only from candi-  
16 dates submitted to the secretary by the council.

17 The commissioner shall be the executive and administrative  
18 head of the department. The commissioner shall serve at the plea-  
19 sure of the council and may be removed by a majority vote of all  
20 its members. The commissioner shall not be subject to Chapter 31  
21 or to Section 9A of Chapter 30.

22 The commissioner shall be the secretary to the council and its  
23 chief executive officer and the chief school officer for higher edu-  
24 cation. The commissioner shall be responsible for carrying out the  
25 policies established by the council. The council may delegate its  
26 authority or any portion thereof to the commissioner whenever in  
27 its judgment such delegation may be necessary or desirable. The  
28 commissioner shall exercise any such powers or duties delegated  
29 with the full authority of the council in any matter concerning the  
30 system of public institutions of higher education subject to the  
31 direction and approval of the council.

32 The commissioner shall devote her full time during business  
33 hours to the duties of her office and shall, subject to appropria-  
34 tion, receive such salary as the council may determine. The com-  
35 missioner may, subject to appropriation, appoint such other  
36 employees as she deems necessary to carry out her duties and  
37 responsibilities, shall be provided with adequate offices, and may  
38 expend sums for other necessary expenses of the department.

1 SECTION 25. Section 7 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in the first sentence, the words  
3 "adopt mission statements" and inserting in place thereof the fol-  
4 lowing words:— submit mission statements for review and  
5 approval by the secretary.

1 SECTION 26. Section 7 of Chapter 15A, as so appearing, is  
2 hereby amended by inserting before the word “council”, in lines  
3 10 and 12, the following words:— secretary and the.

1 SECTION 27. Section 7 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in the second paragraph, the third  
3 sentence and inserting in place thereof the following sentence:—  
4 All institutional mission statements, as developed and sub-  
5 mitted by boards of trustees, shall be subject to approval by the  
6 secretary, in consultation with the council.

1 SECTION 28. Section 7 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in the third paragraph, the second  
3 sentence and inserting in place thereof the following sentence:—  
4 The secretary, in consultation with the council, may, as she  
5 deems necessary, undertake or cause to be undertaken revisions of  
6 said statements.

1 SECTION 29. Section 7 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in lines 23 and 24, the words  
3 “board of higher education, for its approval,” and inserting in  
4 place thereof the following words:— secretary and the board of  
5 higher education.

1 SECTION 30. Section 7 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in the fourth paragraph, the third,  
3 fourth, fifth, and sixth sentences and inserting in place thereof the  
4 following sentences:—  
5 Said proposal, upon its receipt, shall be transmitted to the sec-  
6 retary of administration and finance, the chairs of the house and  
7 senate committees on ways and means, and the house and senate  
8 chairs of the joint committee on higher education. The secretary,  
9 in consultation with the council, shall have the authority to  
10 approve, reject, or propose amendments to said plan. Proposed  
11 amendments shall be returned to the institution’s board of trustees.

1 SECTION 31. Subsection (a) of Section 7A of Chapter 15A, as  
2 so appearing, is hereby amended by inserting after the word  
3 “institutions”, in line 6, the following words:— and the secretary.

1     SECTION 32. Subsection (b) of Section 7A of Chapter 15A, as  
2     so appearing, is hereby amended by striking out, in line 23, the  
3     word “kindergarten” and inserting in place thereof the following  
4     words:— early childhood.

1     SECTION 33. Subsection (e) of Section 7A of Chapter 15A, as  
2     so appearing, is hereby amended by inserting after the word  
3     “institutions”, in line 42, the following words:— and the secre-  
4     tary.

1     SECTION 34. Subsection (e) of Section 7A of Chapter 15A, as  
2     so appearing, is hereby amended by striking out, in line 47, the  
3     words “education, arts and humanities” and inserting in place  
4     thereof the following words:— higher education.

1     SECTION 35. Subsection (f) of Section 7A of Chapter 15A, as  
2     so appearing, is hereby amended by striking out, in the third sen-  
3     tence, the words “joint committee on education, arts and humani-  
4     ties” and inserting in place thereof the following words:— joint  
5     committee on higher education.

1     SECTION 36. Subsection (g) of Section 7A of Chapter 15A, as  
2     so appearing, is hereby amended by striking out the word “chan-  
3     cellor” and inserting in place thereof the following word:— com-  
4     missioner.

1     SECTION 37. Subsection (h) of Section 7A of Chapter 15A, as  
2     so appearing, is hereby amended by striking out the words “board  
3     shall structure its” and inserting in place thereof the following  
4     words:— commissioner shall structure her.

1     SECTION 38. Subsection (i) of Section 7A of Chapter 15A, as  
2     so appearing, is hereby amended by inserting after the words “in  
3     consultation with”, in the first sentence, the following words:—  
4     the secretary and.

1     SECTION 39. Subsection (i) of Section 7A of Chapter 15A, as  
2     so appearing, is hereby amended by striking out, in lines 78 and

3 79, the word “kindergarten” and inserting in place thereof the fol-  
4 lowing words:— early childhood.

1 SECTION 40. Subsection (i) of Section 7A of Chapter 15A, as  
2 so appearing, is hereby amended by striking out, in the last sen-  
3 tence, the word “may” and inserting in place thereof the following  
4 word:— shall.

1 SECTION 41. Subsection (j) of Section 7A of Chapter 15A, as  
2 so appearing, is hereby amended by striking out, in the first sen-  
3 tence, the words “The university shall” and inserting in place  
4 thereof the following words:—

5 The university, in consultation with the secretary, shall.

1 SECTION 42. Subsection (j) of Section 7A of Chapter 15A, as  
2 so appearing, is hereby amended by inserting after the words  
3 “annually to the”, in the second sentence, the following words:—  
4 secretary, the.

1 SECTION 43. Clause (b) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out the third, fourth,  
3 fifth, and sixth sentences and inserting in place thereof the fol-  
4 lowing sentences:—

5 The council may, after a public hearing and submission of a  
6 written report to the clerks of the house of representatives and the  
7 senate, by a two-thirds vote of the full membership of the council,  
8 recommend to the secretary to consolidate, discontinue, or  
9 transfer divisions, schools, stations, branches or institutions as the  
10 council deems advisable. If, in the opinion of the council, a col-  
11 lege campus should be closed or consolidated, the council shall  
12 make that recommendation to the secretary and the secretary, if  
13 she approves the closure recommendation, shall submit such pro-  
14 posal to the secretary of administration and finance, the house and  
15 senate chairs of the joint committee on higher education, and the  
16 chairs of the house and senate ways and means committees. The  
17 joint committee on higher education may, within 30 days of the  
18 receipt of a proposal, hold a public hearing on its merits. The  
19 council shall not close a college without the authorization of the  
20 secretary and the general court;.

1 SECTION 44. Clause (c) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out, in lines 30 and 31,  
3 the words “secretary of economic development and his staff” and  
4 inserting in place thereof the following words:— secretary of  
5 labor and workforce development, the secretary of housing and  
6 economic development, and their respective staffs.

1 SECTION 45. Clause (d) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out, in line 31, the  
3 words “and adopt”.

1 SECTION 46. Clause (e) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out, in line 32, the word  
3 “approve” and inserting in place thereof the following word:—  
4 review.

1 SECTION 47. Clause (f) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by inserting before the word “pre-  
3 pare”, in line 33, the following words:— subject to the secretary’s  
4 approval,.

1 SECTION 48. Clause (f) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by inserting after the words “clause  
3 (c)”, in line 35, the following word:— and.

1 SECTION 49. Section 9 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out clause (l) and inserting in place  
3 thereof the following new clause:—

4 (l) require each institution in the system to submit to the  
5 council and the secretary a 5-year plan, which plan shall be  
6 updated annually and shall be subject to the secretary’s approval,  
7 in consultation with the council;

1 SECTION 50. Clause (n) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out, in lines 90 and 91,  
3 the word “chancellor” and inserting in place thereof the following  
4 word:— commissioner.

1 SECTION 51. Clause (cc) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by inserting after the first sentence  
3 the following sentences:—

4 Such assistance shall consist of full or partial loans to students  
5 in need of assistance. Repayment shall commence within six  
6 months of graduation or termination of studies; provided, that no  
7 repayment schedule shall exceed a term of ten years. Monies  
8 received in repayment shall be retained by the council to provide  
9 the no interest loans and to provide for the administration of the  
10 programs without further appropriation; provided, however, that  
11 not more than \$775,000 of the monies shall be expended annually  
12 for the administration of the program. The Massachusetts state  
13 scholarship office shall establish guidelines to govern said pro-  
14 gram which shall include, but not be limited to, eligibility require-  
15 ments for students, eligibility requirements for participating  
16 institutions, terms of payment, deferment options, provisions for  
17 default, and a maximum and minimum loan award as determined  
18 by an indexing system;

1 SECTION 52. Clause (ee) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out, in line 204, the  
3 words “2 of this act” and inserting in place thereof the following  
4 words:— 22 of this chapter.

1 SECTION 53. Clause (ff) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by inserting after the words “to sec-  
3 tion”, in line 207, the following word:— 7.

1 SECTION 54. Clause (gg) of Section 9 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out, in lines 211 through  
3 224, the second, third, fourth, and fifth sentences.

1 SECTION 55. Section 9 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in line 244, the words “educa-  
3 tion, arts and humanities” and inserting in place thereof the fol-  
4 lowing words:— higher education.

1 SECTION 56. Section 15 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in line 1, the words “The council  
3 shall” and inserting in place thereof the following words:—

4 In accordance with the funding formulas referenced in Section  
5 15B of this chapter, the secretary, in consultation with the council  
6 and with the board of trustees for the university of Massachusetts,  
7 shall.

1 SECTION 57. Section 15 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in line 10, the words “The  
3 council shall” and inserting in place thereof the following  
4 words:—

5 The secretary, in consultation with the council and with the  
6 board of trustees for the university of Massachusetts, shall.

1 SECTION 58. Section 15 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in line 14, the word “council”  
3 and inserting in place thereof the following word:— secretary.

1 SECTION 59. Section 15 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in line 16, the word “it” and  
3 inserting in place thereof the following word:— she.

1 SECTION 60. Section 15B of Chapter 15A, as so appearing, is  
2 hereby amended by inserting before the word “council”, in lines  
3 6, 10, 11, and 17, the following words:— secretary and the.

1 SECTION 61. Section 15B of Chapter 15A, as so appearing, is  
2 hereby amended by inserting after the words “boards of trustees”,  
3 in line 23, the following words:— and the secretary.

1 SECTION 62. Section 15B of Chapter 15A, as so appearing, is  
2 hereby amended by inserting after the words “board of higher  
3 education”, in line 25, the following words:— and the secretary.

1 SECTION 63. Section 15B of Chapter 15A, as so appearing, is  
2 hereby amended by striking out the fifth paragraph and inserting  
3 in place thereof the following paragraph:—



4 The council shall review the institutional budget requests pre-  
5 pared by each board of trustees and shall submit comments and  
6 recommendations concerning those requests to the secretary. The  
7 secretary shall then prepare a comprehensive budget request for  
8 the public higher education system, with comments and recom-  
9 mendations, for use by the secretary of administration and  
10 finance, the house and senate committees on ways and means and  
11 the joint committee on higher education. In the case of the univer-  
12 sity, it shall be the responsibility of the trustees to submit com-  
13 ments and recommendations regarding the budget requests of  
14 individual campuses within the university system to the secretary  
15 and the board of higher education. In the case of any institution,  
16 or the university, having failed to submit data according to the  
17 schedule established under clause (s) of the first paragraph of Sec-  
18 tion 9, the secretary may withhold transmittal of the budget  
19 request from that board of trustees to the secretary of administra-  
20 tion and finance and committees. The comments and recommen-  
21 dations attached by the secretary and the board of higher  
22 education for each state and community college and by the board  
23 of trustees of the university for each university campus, shall be  
24 consistent with the funding formulas, statewide needs, perfor-  
25 mance measurement standards, as well as the mission statements  
26 and 5-year plans for individual campuses and the public higher  
27 education system as a whole. They shall also reflect analysis by  
28 the respective boards for each campus regarding progress made  
29 by the campuses in fulfilling strategic plans including, but not  
30 limited to, significant achievements and progress in addressing  
31 any previously identified deficiencies. The comments and recom-  
32 mendations shall be made available to the individual institutions  
33 and campuses before submission to the secretary of administra-  
34 tion and finance and legislative committees with sufficient time  
35 allowed to provide opportunity for comment and response by  
36 those institutions and campuses. In reviewing the various esti-  
37 mates and requests, the secretary and the council may comment  
38 on the overall level of funding for the system of public higher  
39 education and may comment regarding funding priorities among  
40 segments of the system of public higher education and among the  
41 various institutions. The secretary shall submit her recommenda-

42 tions and comments to the secretary of administration and finance,  
43 the house and senate committees on ways and means and the joint  
44 committee on higher education. The secretary shall include in  
45 addition to the information provided by the boards of trustees all  
46 program costs which are to be borne by any other source other  
47 than the Commonwealth, including such sources as federal  
48 financing or federal research, demonstration or training grants,  
49 community contributions and other grants, endowments or trusts.

1 SECTION 64. Section 21 of Chapter 15A, as so appearing, is  
2 hereby amended by inserting before the word “board”, in line 1,  
3 the following word:— a.

1 SECTION 65. Section 21 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in line 49, the word “calendar”  
3 and inserting in place thereof the following word:— academic.

1 SECTION 66. Section 21 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out, in lines 53 and 54, the words  
3 “higher education coordinating”.

1 SECTION 67. Clause (a) of Section 22 of Chapter 15A, as so  
2 appearing, is hereby amended by inserting before the word  
3 “council”, in line 6, the following words:—secretary and the.

1 SECTION 68. Section 22 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out clause (l) and inserting in place  
3 thereof the following new clause:—(l) submit a 5-year master  
4 plan to the secretary and the council, which plan shall be subject  
5 to the secretary’s approval, in consultation with the council, and  
6 shall be updated annually according to a schedule determined by  
7 the secretary and the board in consultation with the board of  
8 trustees;

1 SECTION 69. Section 22 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out clause (m) and inserting in place  
3 thereof the following new clause:— (m) submit financial data and  
4 other data as required by the secretary and the board of higher

5 education for the careful and responsible discharge of their pur-  
6 poses, functions, and duties. The data shall be reported annually  
7 to the secretary and the board of higher education according to a  
8 schedule determined by the secretary and the board of higher edu-  
9 cation in consultation with the board of trustees. The board of  
10 trustees shall also submit an annual institutional spending plan to  
11 the secretary and the council for review, comment, and transmittal  
12 to the secretary of administration and finance, the house and  
13 senate committees on ways and means and the joint committee on  
14 higher education. Spending plans shall be reported using a stan-  
15 dardized format developed by the secretary, in consultation with  
16 the board of higher education and the institutional boards of  
17 trustees, in a manner to allow comparison of similar costs  
18 between the various institutions of the Commonwealth. Said plan  
19 shall include an account of spending from all revenue sources  
20 including but not limited to, trust funds;

1 SECTION 70. Clause (n) of Section 22 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out, in lines 60 and 61,  
3 the words “council for its approval” and inserting in place thereof  
4 the following words:— secretary and the council for approval.

1 SECTION 71. Section 22 of Chapter 15A, as so appearing, is  
2 hereby amended by striking out clause (o) and inserting in place  
3 thereof the following new clause:— (o) submit an institutional  
4 self-assessment report to the secretary and the council, which the  
5 board of trustees shall make public and available at the institution.  
6 Said assessment report shall be used to foster improvement at the  
7 institution by the board of trustees and shall include information  
8 relative to the institution’s progress in fulfilling its approved mis-  
9 sion. Said report shall be submitted annually to the secretary and  
10 the board of higher education according to a schedule determined  
11 by the secretary and said board in consultation with the board of  
12 trustees.

1 SECTION 72. Clause (p) of Section 22 of Chapter 15A, as so  
2 appearing, is hereby amended by striking out, in line 72, the  
3 words “board of higher education, for its approval” and inserting

4 in place thereof the following words:— secretary and the board of  
5 higher education, for approval.

1 SECTION 73. Section 23 of Chapter 15A, as so appearing, is  
2 hereby amended by inserting before the word “council”, in lines 2  
3 and 5, the following words:— secretary and the.

1 SECTION 74. Section 2 of Chapter 15D of the General Laws,  
2 as appearing in the 2006 Official Edition, is hereby amended by  
3 inserting after the word “be”, in the first sentence, the following  
4 words:— in the executive office of education.

1 SECTION 75. Section 2 of Chapter 15D, as so appearing, is  
2 amended by striking out, in lines 13 and 14, the words “control of  
3 a board of early education and care” and inserting in place thereof  
4 the following words:— management of the commissioner of early  
5 education and care, in this chapter called the commissioner.

1 SECTION 76. Subsection (b) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by striking out the first sentence and  
3 inserting in place thereof the following sentence:— The board  
4 shall consist of 11 members, and shall include:— the secretary of  
5 education, ex-officio, in this chapter called the secretary, or her  
6 designee; the secretary of health and human services, ex-officio;  
7 and 9 members appointed by the governor.

1 SECTION 77. Subsection (b) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by striking out, in line 33, the word  
3 “and”.

1 SECTION 78. Subsection (b) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by inserting after the word “psy-  
3 chology”, in lines 34 and 35, the following words:— ; and 3 shall  
4 be additional members.

1 SECTION 79. Subsection (b) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by striking out, in line 47, the word  
3 “Five” and inserting in place thereof the following word:— Six.

1 SECTION 80. Subsection (b) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by striking out, in line 47, the number  
3 “5” and inserting in place thereof the following number:— 6.

1 SECTION 81. Subsection (b) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by striking out, in the fourth paragraph,  
3 the first sentence and inserting in place thereof the following sen-  
4 tences:—

5 Of the 9 members appointed by the governor, 1 shall be  
6 appointed for a term that is coterminous with that of the governor.  
7 Each of the remaining 8 members shall be appointed for a term of  
8 5 years. Vacancies shall be filled consistent with the requirements  
9 of Section 10 of Chapter 30.

1 SECTION 82. Subsection (b) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by inserting after the word “terms.”, in  
3 line 50, the following sentence:—

4 Service for a term of less than 3 years, resulting from an initial  
5 appointment or an appointment for the remainder of an unexpired  
6 term, shall not be counted as a full term.

1 SECTION 83. Subsection (b) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by striking out, in the fifth paragraph,  
3 the third sentence and inserting in place thereof the following sen-  
4 tences:—

5 Not more than 2 members of the board shall be employed on a  
6 full-time basis by any agency of the Commonwealth. Members of  
7 the board who are employed on a full-time basis by the Common-  
8 wealth shall be ineligible to serve as chairperson.

1 SECTION 84. Subsection (e) of Section 3 of Chapter 15D, as  
2 so appearing, is amended by striking out, in the first sentence, the  
3 words “arts and humanities,”.

1 SECTION 85. Section 4 of Chapter 15D, as so appearing, is  
2 amended by striking out the first paragraph and inserting in place  
3 thereof the following paragraphs:—

4 Section 4. The board shall by a 2/3 vote of its members submit  
5 to the secretary, for the secretary’s approval, a recommended can-

6 didate to serve as the commissioner of early education and care,  
7 in this chapter called the commissioner. The secretary may  
8 appoint the recommended candidate as commissioner. If the secre-  
9 tary declines to appoint the candidate, the board shall submit a  
10 new candidate for consideration. The secretary may appoint the  
11 commissioner only from candidates submitted to the secretary by  
12 the board.

13 The board may in its discretion by majority vote of its members  
14 remove the commissioner. The commissioner shall be the secre-  
15 tary to the board and its chief executive officer and shall be the  
16 executive and administrative head of the department. The com-  
17 missioner shall receive a salary to be determined by the board.

1 SECTION 86. Section 4 of Chapter 15D, as so appearing, is  
2 amended by inserting after the second paragraph the following  
3 paragraphs:—

4 The commissioner shall propose a budget to the board; said  
5 budget shall reflect the goals and objectives of the board and the  
6 secretary. The board shall review and make recommendations  
7 regarding the budget to the secretary. The secretary shall then pre-  
8 pare and submit a budget request on behalf of the department to  
9 the house and senate committees on ways and means, the joint  
10 committee on education, and the secretary of administration and  
11 finance.

12 The commissioner shall analyze the present and future goals,  
13 needs and requirements of early childhood education and care in  
14 the Commonwealth and recommend to the board comprehensive  
15 means to achieve a well-coordinated system of high achievement  
16 in early childhood education and care in the Commonwealth. Fol-  
17 lowing consultation with the board, the commissioner shall pre-  
18 pare and submit to the secretary, for the secretary's review and  
19 approval, a 5-year master plan for achieving such a coordinated  
20 system. The master plan along with an annual progress report  
21 shall reflect the goals and standards established by the board and  
22 the secretary.

23 The board may delegate its authority or any portion thereof to  
24 the commissioner whenever in its judgment such delegation may  
25 be necessary or desirable. The commissioner shall exercise such  
26 delegated powers and duties with the full authority of the board.

27 The commissioner may, subject to appropriation, appoint such  
28 other employees as she deems necessary to carry out her duties  
29 and responsibilities, shall be provided with adequate offices, and  
30 may expend sums for other necessary expenses of the department.

1 SECTION 87. The title of Chapter 69 of the General Laws, as  
2 appearing in the 2006 Official Edition, is hereby amended by  
3 inserting after the words “DEPARTMENT OF” the following  
4 words:—

5 ELEMENTARY AND SECONDARY.

1 SECTION 88. The title of Section 1A of Chapter 69, as so  
2 appearing, is hereby amended by inserting after the word “of” the  
3 following words:— elementary and secondary.

1 SECTION 89. Section 1A of Chapter 69, as so appearing, is  
2 hereby amended by striking out the first paragraph and inserting  
3 in place thereof the following paragraph:—

4 Section 1A. There shall be within the executive office of edu-  
5 cation a department of elementary and secondary education, here-  
6 inafter called the department, which shall be under the  
7 supervision and management of a commissioner of elementary  
8 and secondary education, hereinafter called the commissioner.  
9 Said commissioner shall be appointed pursuant to Section 1F of  
10 Chapter 15 and shall devote full time to the duties of the office.

1 SECTION 90. Section 1A of Chapter 69, as so appearing, is  
2 hereby amended by inserting after the words “board of”, in line 6,  
3 the following words:— elementary and secondary.

1 SECTION 91. Section 1A of Chapter 69, as so appearing, is  
2 hereby amended by striking out the third paragraph and inserting  
3 in place thereof the following paragraph:—

4 The commissioner shall propose a budget to the board; said  
5 budget shall reflect the goals and objectives of the board and the  
6 secretary of education, in this chapter called the secretary. The  
7 board shall review and make recommendations regarding the  
8 budget to the secretary. The secretary shall then prepare and  
9 submit a budget request on behalf of the department to the house

10 and senate committees on ways and means, the joint committee on  
11 education, and the secretary of administration and finance.

1 SECTION 92. Section 1A of Chapter 69, as so appearing, is  
2 hereby amended by striking out, in line 28, the words “shall pre-  
3 pare” and inserting in place thereof the following words:— shall,  
4 in consultation with the board, prepare and submit to the secretary  
5 for the secretary’s review and approval.

1 SECTION 93. Section 1A of Chapter 69, as so appearing, is  
2 hereby amended by inserting after the word “board”, in line 37,  
3 the following words:— and the secretary.

1 SECTION 94. The title of Section 1B of Chapter 69, as so  
2 appearing, is hereby amended by inserting after the words “Board  
3 of” the following words:— elementary and secondary.

1 SECTION 95. Section 1B of Chapter 69, as so appearing, is  
2 hereby amended by striking out, in line 139, the words “, arts, and  
3 humanities”.

1 SECTION 96. Section 1D of Chapter 69, as so appearing, is  
2 hereby amended by striking out, in line 48, the words “, arts, and  
3 humanities”.

1 SECTION 97. Section 1 of Chapter 75 of the General Laws, as  
2 appearing in the 2006 Official Edition, is hereby amended by  
3 inserting after the words “provided in”, in line 13, the following  
4 words:—  
5 Section 14A of Chapter 6A,.

1 SECTION 98. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by striking out, in line 3, the words “and seven-  
3 teen” and inserting in place thereof the following words:— 1  
4 member shall be the secretary of education, ex officio, in this  
5 chapter called the secretary, or her designee, and 16.



1 SECTION 99. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by striking out, in line 31, the word “Members”  
3 and inserting in place thereof the following words:—  
4 Appointive members.

1 SECTION 100. Section 1A of Chapter 75 of the General Laws,  
2 as so appearing, is hereby amended by striking out, in line 37, the  
3 word “calendar” and inserting in place thereof the following  
4 word:— academic.

1 SECTION 101. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by striking out, in the fourth paragraph, the sixth  
3 and seventh sentences and inserting in place thereof the following  
4 sentences:—  
5 The governor shall appoint the chair of the board of trustees,  
6 who shall serve at the governor’s pleasure. Members of the board  
7 who are employed on a full-time basis by the Commonwealth  
8 shall be ineligible to serve as chair.

1 SECTION 102. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by striking out, in line 57, the words “board of  
3 higher education” and inserting in place thereof the following  
4 words:— secretary and to the board of higher education, in this  
5 chapter called the council,.

1 SECTION 103. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by striking out, in lines 91 to 93, clause (l) and  
3 inserting in place thereof the following new clause:— (l) submit a  
4 5-year master plan to the secretary and the council, which plan  
5 shall be subject to the secretary’s approval, in consultation with  
6 the council, and shall be updated annually on or before the first  
7 Wednesday of December in each year.

1 SECTION 104. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by inserting before the word “council”, in line  
3 94, the following words:— secretary and the.

1 SECTION 105. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by inserting after the word “develop”, in line 96,

3 the following words:— and submit to the secretary and the board  
4 of higher education, for approval,.

1 SECTION 106. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by inserting before the word “board”, in line 99,  
3 the following words:— secretary and the.

1 SECTION 107. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by striking out, in line 126, the words “council  
3 for its” and inserting in place thereof the following words:— sec-  
4 retary and the council for.

1 SECTION 108. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by inserting before the word “council”, in line  
3 128, the following words:— secretary and the.

1 SECTION 109. Section 1A of Chapter 75, as so appearing, is  
2 hereby amended by striking out, in line 132, the word “council”  
3 and inserting in place thereof the following word:— secretary.

1 SECTION 110. Section 2 of Chapter 75, as so appearing, is  
2 hereby amended by striking out, in line 15, the words “in the  
3 board of higher education” and inserting in place thereof the fol-  
4 lowing words:— of the secretary and the board of higher educa-  
5 tion as set forth in this chapter, Chapter 15A, and other applicable  
6 provisions of the General Laws.

1 SECTION 111. Section 7 of Chapter 75, as so appearing, is  
2 hereby amended by inserting after the word “governor”, in line 2,  
3 the following word:— , secretary,.

1 SECTION 112. Notwithstanding any general or special law to  
2 the contrary, any appointive member currently serving on the  
3 Board of Education upon passage of this act shall continue to  
4 serve in the following manner. Thomas Fortmann and Sandra  
5 Stotsky shall serve until June 30, 2010. S. Paul Reville and the  
6 member in the seat currently held by the parent representative  
7 shall serve until June 30, 2009. The member in the seat currently  
8 held by the representative of a labor organization and the member

9 in the seat currently held by the representative of business or  
10 industry shall serve until June 30, 2008. The Governor shall  
11 appoint 3 additional members; 2 shall serve until June 30, 2012  
12 and 1 shall serve coterminously with the Governor. All board  
13 members shall be eligible for reappointment unless such reap-  
14 pointment is limited under the provisions of Section 1E of  
15 Chapter 15 of the General Laws.

1 SECTION 113. Notwithstanding any general or special law to  
2 the contrary, all appointive members currently serving on the  
3 Board of Early Education and Care upon passage of this act shall  
4 continue to serve for the remainder of their appointed terms. Of  
5 the three additional members to be appointed by the Governor, 1  
6 shall serve until March 11, 2009; 1 shall serve until March 11,  
7 2012 and 1 shall serve coterminously with the Governor. All  
8 board members shall be eligible for reappointment unless such  
9 reappointment is limited under the provisions of Section 3(b) of  
10 Chapter 15D of the General Laws.

1 SECTION 114. Notwithstanding any general or special law to  
2 the contrary, all appointive members currently serving on the  
3 Board of Higher Education upon passage of this act shall continue  
4 to serve for the remainder of their appointed terms. The three  
5 additional members to be appointed by the Governor shall be  
6 appointed for terms coterminous with that of the Governor. All  
7 board members shall be eligible for reappointment unless such  
8 reappointment is limited under the provisions of Section 4(b) of  
9 Chapter 15A of the General Laws.

1 SECTION 115. Notwithstanding Section 98 of this act and any  
2 general or special law to the contrary, the secretary of education  
3 shall not become an ex officio voting member of the board of  
4 trustees for the University of Massachusetts until an opening next  
5 arises on that board due to the departure or the expiration of the  
6 term of a presently sitting board member.

1 SECTION 116. Whenever the following former names of  
2 boards, departments, or officers appear in any general or special  
3 law, regulation, contract or other document, they shall be taken to

4 mean the following boards, departments and officers, respec-  
5 tively:—

6 (a) the board of education, the board of elementary and sec-  
7 ondary education;

8 (b) the department of education, the department of elementary  
9 and secondary education;

10 (c) the commissioner of education; the commissioner of ele-  
11 mentary and secondary education;

12 (d) the chancellor of higher education, the commissioner of  
13 higher education.

1 SECTION 117. This act shall take effect as soon as it has the  
2 force of law under subsection (c) of Section 2 of Article  
3 LXXXVII of the Amendments to the Constitution.